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Provisional

4555th meeting

Wednesday, 19 June 2002, 10 a.m.

New York

President:	Mr. Wehbe	(Syrian Arab Republic)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	Colombia	Mr. Valdivieso
	France	Mr. Levitte
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Corr
	Mauritius	Mr. Gokool
	Mexico	Ms. Lajous
	Norway	Mr. Kolby
	Russian Federation	Mr. Lavrov
	Singapore	Ms. Sharon Lim
	United Kingdom of Great Britain and Northern Ireland	Mr. Eldon
	United States of America	Mr. Williamson

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

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02-43224 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/618)

The President (*spoke in Arabic*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina.

There being no objection, it is so decided.

I invite Mr. Klein to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina, document S/2002/618.

At this meeting, we will hear a briefing by Mr. Jacques Paul Klein, Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina.

I now give the floor to the Special Representative of the Secretary-General and Coordinator of United Nations Operations in Bosnia and Herzegovina, Mr. Jacques Paul Klein.

Mr. Klein (*spoke in French*): It is an honour for me to be before the members of the Council to report on progress achieved by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) in the establishment of peace in Bosnia and Herzegovina. UNMIBH continues to make important progress in the implementation of its mandate. To date, we have reached the stage at which the Secretary-General has recommended the closing of the Mission at the end of this year. I fully support that recommendation, even if it seems paradoxical in certain respects.

The impression of a paradox lies in the fact that UNMIBH is at the point of successfully fulfilling its core mandate, even as Bosnia and Herzegovina continues to require the support and the attention of the international community. Peace alone does not suffice in Bosnia and Herzegovina; serious problems are appearing — in particular with regard to criminality and corruption — which pose fundamental challenges to the viability and the maintenance of the country's situation. The vestiges of war remain; the country's situation is still fragile internally, and this in turn does not make for many encouraging signs externally in the event of a deterioration.

(*spoke in English*)

Permit me to explain the situation in greater detail. Bosnia and Herzegovina remains a work in progress. Like many other countries in transition, it faces major political, economic and social challenges. But, almost uniquely, three fundamental impediments to internal stability and to external security have yet to be resolved. Those impediments are the lack of political commitment by the citizens to the State, the continued presence of war criminals and the absence of the rule of law. The three are interlinked. Until those issues are resolved, the international community cannot reduce or end its engagement. The risks of doing so, domestically and regionally, would be grave, with a high likelihood that the international community would be forced to re-engage later, at an even greater cost.

The political challenge is that the majority of two of the three constituent peoples still do not believe in the State of Bosnia and Herzegovina. As one former Republika Srpska leader said recently, "I believe in the Republika Srpska and in Europe — Bosnia was imposed on us." What he failed to understand was that the State of Bosnia and Herzegovina is not an alternative to Europe — it is a precondition. Much of the Herzegovinian Croat constituency has been making the same mistake. Instead of using the disproportionate political rights given by the Dayton Constitution, whereby one sixth of the population gained one third of the political power, the Herzegovinian Croats have followed the siren song of a criminal elite that has enriched itself while politically and economically impoverishing its followers.

Recent agreements and impositions by the former High Representative have produced a legal solution to the problem of ethnic inequality, but that does not yet constitute the essential buy-in to the concept of the State. Until the internal political settlement is achieved, the situation remains precarious, aggravated by the continued presence of three costly armies in one State. As long as those three armies view one another as the enemy, the Stabilization Force (SFOR) is trapped in its role as the stabilizing force without which other progress is impossible. While positive developments in Croatia and in the Federal Republic of Yugoslavia have virtually removed the threat of external aggression, the regional consequences of internal implosion could still be devastating.

The October elections are an opportunity for change. Citizens, particularly young people, must be encouraged to reject the failed ultra-nationalist parties and politicians of the past, and to vote instead for their European future. I am convinced that Bosnia and Herzegovina can work, but only if the citizens from all three constituent peoples decide to make it work.

That brings me to the second fundamental impediment to self-sustaining peace. As long as indicted war criminals — particularly Radovan Karadzic and Ratko Mladic — remain at large, political stabilization is not possible, reconciliation is not possible and the rule of law cannot be achieved. The goal must now be their arrest. They are an albatross around our necks, overshadowing everything we are trying to achieve. Their continued liberty emboldens the hard-liners on all sides to resist, and it intimidates the moderates.

More than any other single act, the arrest of those two war criminals would change the entire complexion of national politics. Their arrest would close a tragic chapter of brutal extremism and would open the way for reconciliation and for the promotion of national and civic pride. Unless one identifies and punishes the guilty, one cannot ultimately absolve the innocent. In my personal view, the quickest path to achieving peace and reconciliation in Bosnia and Herzegovina is to put an end to the culture of defiance and impunity by achieving the arrest of Karadzic and Mladic and their trial in The Hague Tribunal. A firm commitment to do so by all is long overdue.

That leads directly to the challenge of establishing the rule of law. The new High Representative, Lord Paddy Ashdown, has made this his highest priority. I fully concur. For seven years, UNMIBH has been virtually alone in arguing that the rule of law is essential to the consolidation of peace and to the transition to a modern society. Initially, it was assumed that the rule of law could be achieved solely by reforming the police. The thin slice of the international mandate given to UNMIBH in 1996 was confined to non-executive police reform and restructuring.

Between 1998 and 2000, the UNMIBH Judicial System Assessment Programme showed conclusively that the entire legal and judicial structure of Bosnia and Herzegovina was dysfunctional. But serious efforts at holistic reform of the rule of law sector were not undertaken until this year.

Consequently, there is an imbalance among the components of the rule of law. Local police and corrections personnel have reached a baseline of professionalism and democratic policing. All other elements — courts, judges, prosecutors, legal codes, the rules for evidence and for criminal procedure and the witness protection programme — still require radical reform and restructuring.

The result of the absence of the full range of rule of law components is that organized crime and political corruption threaten the viability of the State and the security of the region. Each week there are new revelations of high-level corruption and illegality. Recent examples are: the Herzegovacka Bank case, which appears to have been a scam by nationalist leaders to rob Croats of over $100 million; illegal arms sales to Kosovo extremists; the discovery of 7,000 mortar shells concealed in Mostar; and the detection of massive fraud in the Entity Customs Services and in certain ministries of finance. It is really not possible to accurately quantify the extent of corruption. But one telling figure is that the Central Bank of Bosnia and Herzegovina returned more than 6.3 billion deutsche mark to the German Bundesbank when the euro was introduced this year.

The new High Representative has already set a fast pace in introducing essential legislation to combat organized crime and corruption. But if UNMIBH's experience in police reform and restructuring is an indication of the magnitude of resources and the intensity of effort required to reform one part of the rule of law, the scale of the challenges that remain

should not be underestimated. A functioning society governed by the rule of law cannot be established overnight.

That is the crux of the paradox I mentioned earlier. UNMIBH has gone as far as it can in reforming the local police: we are ahead of the field. But systemic flaws in the rule of law as well as unresolved political challenges necessitate continued international engagement and support. The international community is on the right track, but it will require determination, perseverance and substantial resources to finish the job we began seven years ago and to leave Bosnia and Herzegovina as a viable State heading towards European integration.

With respect to UNMIBH, the Secretary-General's report (S/2002/618) before the Council details the Mission's achievements since November 2001. To put those achievements in their proper context, permit me briefly to describe the police forces of Bosnia and Herzegovina when UNMIBH was first deployed. In 1996 there were approximately 44,000 police officers, organized as paramilitary forces along exclusively mono-ethnic lines. Most police officers were untrained. Police equipment was little more than military weaponry. Inter-ethnic crimes were condoned if not also aided and abetted. Police cooperation between the parties was non-existent. The only borders that mattered were the confrontation lines between recently warring parties.

Today, UNMIBH is in the final stages of creating a modern police force fit for Europe. In each of the six core programmes of our mandate implementation plan, change is qualitative as well as quantitative. And in each of our projects, we have sought to contribute to the wider goals of peace implementation by encouraging local participation and responsibility.

In the area of police reform, we have been the first organization to thoroughly check civil servants for housing status, criminal records, academic credentials and war-time conduct. The final certification of the approximately 17,000 police officers who have been provisionally authorized depends on their passing those intensive checks.

In police restructuring, we have shifted the onus to local police officers to carry out structural reforms of their organizations through local Change Management Teams. Our systems analysis programme is addressing systemic deficiencies, carried over from the war, that undermine police professionalism. For example, the Republika Srpska entity does not have a rank structure for its police officers, leaving promotions open to corruption and patronage.

Minority police representation has improved, but not as quickly as we would have hoped. UNMIBH has done everything within its mandate to encourage minority police and to create the mechanisms for further long-term sustainable change. With exceptions in extremist pockets, the problem is no longer political obstruction; it is the lack of volunteers who are willing to take substantial pay cuts to transfer across entity lines.

UNMIBH's Criminal Justice Advisory Unit has filled a crucial gap in the rule of law. Without its legal expertise, I doubt that any of the high-profile criminal cases investigated by police would have come to a fair trial. That has been particularly important in criminal prosecutions of cases of human trafficking: 83 such cases are being prosecuted, and 27 cases are pending.

UNMIBH's Special Trafficking Operations Programme is the most comprehensive anti-trafficking operation in the region. Half of the houses of prostitution in Bosnia and Herzegovina have been closed in the past 12 months; 1,632 women have been interviewed; and 146 victims have been assisted. This problem requires comprehensive regional solutions. We are ready to cooperate with other international bodies, but at present there seem to be parallel and often uncoordinated activities.

The State Border Service is one of the few multi-ethnic State institutions that work. It has reduced illegal migration through Sarajevo airport from more than 25,000 in 2000 to less than 400 this year. Its effective concept of operations is serving as a model for other regional States, and both Serbia and Montenegro are interested in training their personnel at our State Border Service academy outside Sarajevo.

The State Information and Protection Agency is the last building block necessary for Bosnia and Herzegovina to become fully integrated into international police crime-fighting. Pending adoption by the State House of Representatives, I expect it to be functioning by the autumn.

None of those institutions existed two years ago. Their establishment has made regional police cooperation possible. Through the UNMIBH-initiated

Regional Task Force, Bosnia and Herzegovina, Croatia and the police forces of Serbia and Montenegro have launched joint operations to strengthen borders, to combat arms-smuggling and illegal migration and to intensify actions against organized crime and terrorism.

UNMIBH is also contributing to civic education and the promotion of human rights. Our media campaigns have explained the legal rights and obligations of citizens when dealing with the police. We have conducted public awareness programmes in domestic violence, and we have trained local police spokespersons under the common platform of community policing.

As members are also aware, a multi-ethnic police contingent from Bosnia and Herzegovina is serving in East Timor. A group of military officers is serving as military observers in Ethiopia and Eritrea. A second contingent of military observers will be deployed to the Democratic Republic of the Congo. Last month, I secured final agreement on the formation of a multi-ethnic light transport composite unit and its deployment to a United Nations peace operation this summer. The formation of the unit from the three armies would have been inconceivable just a few years ago.

Those are not abstract achievements. Active policing in return areas has created the security conditions essential for an unprecedented number of minority returns. The United Nations High Commissioner for Refugees does not rule out the possibility of more than 130,000 such returns this year — a 30 per cent increase over 2001.

I am particularly pleased that the international community has begun to recognize the special needs of the Srebrenica area. This is not about salving consciences; it is about giving a better future to the people of a tragic and neglected area. The recent donor conference for the Srebrenica Regional Recovery Programme led by the United Nations Development Programme (UNDP) raised approximately $4.2 million in direct pledges, which is about one third of what is required over the next three years. Even that amount has already generated new hope and commitment by the three municipalities involved. UNDP is moving quickly to establish a small coordination and management team in Srebrenica. But I am deeply concerned that we are about to lose the Bosniac minority police serving there because of the Federation's failure to live up to its commitment to pay salaries and top-up packages for the local police.

In summation, I believe UNMIBH's successes have been achieved at three levels. First, the mandate implementation plan has provided UNMIBH with unity of strategic purpose and an exit strategy. Timelines and success indicators have kept us focused and on track, and have provided a methodology to achieve our goals and objectives. In sum, UNMIBH is the odd man out, as mandate completion for the other principal international organizations is still not in sight.

Secondly, our practical achievements have promoted local confidence-building and security in police institutions. The fact that security is no longer a problem for the return of refugees and displaced persons anywhere in Bosnia and Herzegovina is a sea change in police performance. We have also reinforced this with over 478 Trust Fund projects, costing more than $24 million, to provide essential infrastructure assistance to local communities, and nearly $16 million has been provided in assistance for police equipment and facilities.

Third is the area of the systemic changes we have made to create a police force fit for Europe. By the time we conclude our systems analysis project and the establishment of the State Information and Protection Agency, Bosnia and Herzegovina will have all the crime-fighting apparatus of a modern State ready to play its part in the international community.

Three issues stand in the way of the successful completion of our core mandate. Local funding is insufficient to maintain or fully deploy the State Border Service, which now covers 88 per cent of the border. I would urge the countries that benefit most from effective border controls to reconsider how they can assist in completing this project.

The position of a permanent police commissioner in every police administration is crucial to insulate the work of law enforcement agencies from political interference. Last Friday, the Federation Prime Minister orally agreed to pass the necessary legislation. I urge the Council to insist that he do so promptly.

The resignation of the first Bosniac deputy police chief in Republika Srpska, in Srebrenica, is a great loss to a community that has just been given new hope for the future. Had the Federation implemented its long-standing commitments to provide salary assistance to

police officers in the Srebrenica area, this would not have happened. In the long term, more durable solutions to sustain minority police will need to be found. But for the present, the Federation must live up to its commitments.

Permit me to conclude with some comments on the transition to the European Union Police Mission. The newly arrived Commissioner of the International Police Task Force (ITPF), Sven Frederiksen of Denmark, assumed his duties on 1 June and will complete the UNMIBH mandate before becoming the head of the European Union Mission on 1 January 2003. The European Union (EU) planning team is in place, mainly co-located with the IPTF in United Nations House in Sarajevo. Our staff are rendering every assistance to the planning team to ensure a seamless transition. We are in close contact with the High Representative, who will be double-hatted as the senior EU representative in theatre, and with EU officials from Brussels.

In general, planning appears to be going well. But I must emphasise that the success of the EU Mission depends on establishing mutually supportive relationships with the European Commission, particularly the Community Assistance for Reconstruction, Development and Stabilization (CARDS) programme. One of the constraints on UNMIBH was that we did not have access to guaranteed funding for priority projects. I urge the European Union and the European Commission to ensure from the beginning that their projects and funding priorities are mutually reinforcing. Prioritizing the priorities is the first challenge they should face together.

(*spoke in French*)

I wish to conclude by reiterating my thanks to the Council for its constant support for UNMIBH. Subject to its decision, we are on the verge of concluding the most important police reform and restructuring programme that the United Nations has ever undertaken. We will complete our Mission with heads held high. It has been the support of the Council and the dedication of the men and women serving UNMIBH which have made this success possible.

The President (*spoke in Arabic*): I thank Mr. Klein for his comprehensive briefing. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 10.45 a.m.